

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

09-CR-235-A
ORDER

JERRY J. SUTTER, JR.,

Defendant.

On December 16, 2009, the Court sentenced the Defendant to 51 months' imprisonment and five years' supervised release following his plea of guilty to one count of possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B). The Defendant began his supervision on October 11, 2013.

On May 15, 2017, the Defendant, proceeding *pro se*, moved for early release from supervision. See Docket No. 30. In support of his motion, the Defendant points to, among other things, his successful mental health counseling, his gainful employment for the past several years (including several promotions), and his career aspirations.

The Defendant's post-release accomplishments and goals are, without question, commendable. Likewise, the Defendant's motion makes clear that he has accepted responsibility for his conduct. Despite that, however, the Defendant's motion for early termination of supervision must be denied. Given the crime to which he pled guilty, the Defendant's five-year term of supervised release is the shortest term of supervision the law allows the Court to impose. See 18 U.S.C. § 3583(k). The Court therefore lacks authority to shorten the Defendant's term of supervision.

As a result, the Defendant's motion is denied.

SO ORDERED.

Dated: May 25, 2017
Buffalo, New York

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE